

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MARRIAGE OF
DORIS C WILLIAMS

STEVEN H EVERTS

AND

HENRY THOMAS WILLIAMS JR.

HENRY THOMAS WILLIAMS JR.
8275 E BELL RD #1108
SCOTTSDALE AZ 85260

**UNDER ADVISEMENT RULING
DECREE OF DISSOLUTION**

JUDGMENT

The Trial in this matter was held on June 12, 2008. Following the Trial, the Court took the matter under advisement. The Court has since reviewed the testimony presented, the exhibits introduced into evidence, the case history and pleadings filed, and the arguments of counsel. Based thereon, the Court finds and orders as follows:

- A. At the time this action was commenced at least one of the parties was domiciled in the State of Arizona and that said domicile had been maintained for at least 90 days prior to the filing of the Petition for Dissolution of Marriage.
- B. The conciliation provisions of A.R.S. §25-381.09 have either been met or do not apply.
- C. The parties were married on April 8, 2000. By operation of law, the marital community is deemed to have terminated on December 16, 2007.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

- D. This is a covenant marriage. The parties have met one or more of the statutory provisions of A.R.S. §25-903, thereby entitling either to seek a Decree of Dissolution of Marriage.
- E. The marriage is irretrievably broken and there is no reasonable prospect for reconciliation.
- F. There are two minor children, common to the parties, namely: Hannalee Mercy Williams, born July 16, 2000, and Sean Colson Williams, born August 26, 2003.
- G. Mother is not pregnant.
- H. To the extent that it has jurisdiction to do so, the court has considered, approved and made provision for the maintenance of either spouse and the division of property and debts.

Based thereon,

DISSOLUTION OF MARRIAGE

IT IS HEREBY ORDERED dissolving the marriage of the parties and restoring each party to the status of a single person.

LEGAL CUSTODY

The parties have two minor children in common: Hannalee, born July 16, 2000, and Sean, born August 26, 2003. This Court has jurisdiction as Arizona is the "home state" of the children. In accordance with A.R.S. § 25-403, the Court finds that it is in the best interest of the minor children for the parties to be awarded joint legal custody of the minor children.

IT IS THEREFORE ORDERED as follows:

- A. The parties are awarded joint legal custody of the minor children.
- B. Each parent is entitled to full and unrestricted access to all medical, dental, prescription and health related records of the children and may secure information from and consult with all health care professionals involved with the minor children. Each party shall keep the other parent informed of the names, addresses and telephone numbers of all health care providers of the children.
- C. Each parent is entitled to full and unrestricted access to all school records, teachers and school officials involved in the children's schooling.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

- D. In the event of any emergency or urgent circumstance involving the children, the other parent shall be notified as soon as is reasonably possible.
- E. Each parent shall have the right to attend and participate in school, extra-curricular, conference, organized activity or other similar event in which parents are routinely invited or permitted to attend.
- F. Unless restricted by Court order, each parent shall keep the other apprised of his/her home address, home telephone number, employer and address, work telephone number and, if applicable, cellular telephone number and e-mail address.
- G. It is in the furtherance of the children's best interests for the parents to confer and for the views of each parent to be considered. There shall be communication between the parents to address day-to-day and more significant issues. They shall utilize email, which shall afford a method that ensures both accountability and verifiability. Both parties shall maintain and regularly review their e-mail accounts. They shall each respond in a timely fashion, even if such response is merely to acknowledge the receipt of information. Each should print copies of all e-mails received and sent so that if an issue arises in the future that has been addressed through e-mail, each party shall have proof as to what was communicated.
- H. It is anticipated that parental decisions shall be required for major issues in raising the children and in meeting his on-going needs. If/when they arise, the parents shall address the issues. Each shall give good faith consideration to the views of the other. If the decision involves medical or schooling issues, the parties may further elect to seek input from treating physicians or educators. Both parents shall be provided with such input. If the parents cannot agree after making a good faith effort to come to an agreed upon decision, Mother shall have "presumptive decision making authority." This level of authority shall allow Mother the right to make a preliminary decision that she shall then communicate to Father. If Father believes that her decision is contrary to the best interests of the children, he shall have the right to seek review thereof through the Court. Father shall have the burden to demonstrate that the decision made by Mother is contrary to the children's best interests. It shall not be sufficient for him to demonstrate that an alternative decision may have also been in the interest of the children.
- I. Father shall not transport the children on a motorcycle. This may be subject to modification in the future based upon age of the children, safety precautions and factors of that nature that must be established by Father.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

- J. By agreement, each parent shall minimize the dietary exposure of the children to foods and beverages containing refined sugar or white flour.
- K. The cell phone provided by Father to the children may continue to be utilized, per Mother's agreement. However, each parent is entitled to place reasonable restrictions thereon but shall minimize the impact on the other parent's ability to communicate with the children.
- L. By stipulation, neither parent shall allow a significant other (unless married) to sleep in the same room as the parent while the children are in that parent's physical custody.
- M. If Father will be utilizing childcare when the children are in his care, Mother shall have the right to approve of the provider.
- N. Neither party shall denigrate the other parent or allow others to do so in the presence of the children.

PHYSICAL CUSTODY

As part of the joint legal custody award, Mother shall be designated as the primary residential parent. Father's agreed upon parenting time shall be as follows:

Each week, Father is entitled to have the children in his care the second Thursday of each month from after school or activity through Friday morning at which time the children shall be returned to school or activity. In addition, Father shall have parenting time one weeknight each week from either after school or 5:00 p.m. until up to 8:00 p.m. (not overnight). The exercise of this provision is conditioned on Father providing Mother with email notification of the specific day at least one week in advance and Mother agrees (which agreement she shall not unreasonably withhold).

For holidays, the parties have agreed that major holidays (Christmas Eve and Day, Thanksgiving, Easter Sunday, July 4th, Mother's Day) shall be assigned to Mother.

Father shall be responsible for the pick up and drop off of the children at the start and end of any access time assigned to him.

It is noted that all of the provisions above (regular access, holidays, transportation, etc) may be subject to modification in the future. If raised, those issues shall be decided based upon the best interests of the children.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

Father may participate in the children's schooling and see the children at school. However, this is conditioned upon Father coordinating his appearances with teachers and school officials. He shall exercise these opportunities in a fashion that is deemed appropriate by the school officials and be subject to their reasonable restrictions.

CHILD SUPPORT

For child support purposes, the Court makes the following findings:

Mother's Income	\$1,800.00 ¹
Father's Income	\$3,000.00
Adjustments to Father's Income	\$0
Adjustments to Mother's Income	\$0
Child Care Expenses Paid by Mother	\$213.00
Health Insurance Paid by Mother	\$200.00
Parenting Time Adjustment	3.1%

In applying these findings under the Arizona Child Support Guidelines, Father's child support obligation would be \$894.00 per month. However, it appears to the Court that application of the Guidelines would be inappropriate. Deviation is therefore appropriate.

IT IS ORDERED that Father shall pay child support to Mother in the total amount of \$750.00 per month, commencing July 1, 2008. All payments shall be made through the Support Clearinghouse via an automatic Order of Assignment issued this date. Father is advised that until such time as the Order of Assignment becomes effective, Father has an affirmative obligation to pay the child support directly to the Support Clearinghouse.

All obligations for child support for each shall terminate when the children each attain the age of 18 years or is otherwise emancipated, but in the event any child attains the age of 18 years while attending high school, support shall continue to be provided during the period in which said child is actually attending high school but only until the child reaches 19 years of age. Provisions for health insurance and non-insured health expenses for the children, as provided for below, shall be deemed to be additional child support and shall be enforceable as such.

Pursuant to A.R.S. §25-503(I), the right of a parent, guardian or custodian to receive child support payments as provided herein vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law.

¹ Mother is presently working and she advocates attribution of minimum wage income. Father notes that Mother is capable of greater earnings. The Court concurs with Father.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

EXCHANGE OF INCOME INFORMATION

The parties shall exchange income information every 24 months from the date of the entry of the Decree of Dissolution of Marriage for so long as Father has an obligation to pay child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish or prove the income of either party. In addition, at the time of the exchange of financial information, the parties shall also exchange residential addresses and the names and addresses of their respective employers.

CHILDREN'S INSURANCE

IT IS ORDERED that Mother shall maintain medical insurance for the minor children. Mother shall ensure that Father is kept informed at all times of the name and address of the insurance provider as well as the policy number. Additionally, Mother shall provide Father with valid insurance cards and policy information and update information changes.

IT IS FURTHER ORDERED that any non-covered medical, dental, orthodontic, optical, prescription expenses as well as deductibles and co-pays shall be paid 60% by Father and 40% by Mother.

DEPENDENCY EXEMPTION

IT IS ORDERED that Mother may claim both children each year, commencing 2007. This is entered by agreement and may be subject to modification in the future.

PROPERTY

Personal Property - Each party shall retain as his or her sole and separate property any furniture, furnishings, appliances, tools, art work, collectibles, and related personal property in that party's possession.

Accounts - Each party shall retain as his or her sole and separate property any disclosed savings, checking or other financial account held in that party's name.

Vehicles - Mother is awarded the 2000 Ford Taurus and the 1995 Ford Explorer vehicles, subject to her being solely responsible for any loans or financial obligations associated therewith. Father is awarded the 1985 Honda motorcycle, subject to him being solely responsible for any loans or financial obligations associated therewith.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

Real Property – Mother is confirmed the residence located at 729 North Jackson Street, Chandler, Arizona as her sole and separate property free from any claims of Father. She shall be solely responsible for the first mortgage thereon owed to Wells Fargo and the Wells Fargo home equity line of credit in its entirety (#1998).

Business – Father is awarded any interest in the business know as “We Got It Productions.”

401(K) – Father is awarded the Visual Audio Equipment 401(K) account as his sole and separate property.

Life Insurance – Mother is awarded the Colonial Life Insurance Policy on Father’s life but Mother shall be solely responsible for all premiums and costs thereon.

DEBTS

IT IS ORDERED that Father shall be responsible for, indemnify and hold Mother harmless from the following debts and financial obligations:

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Father herein.
- B. Any debts or financial obligations incurred by Father after the date of service of process.
- C. Providian MasterCard (#7672).
- D. Washington Mutual Visa (#8136).
- E. Costco (#5205)
- F. One-half of the Bank of America line of credit (approximately \$2,600 to each party).
- G. One-half of the Sear’s MasterCard (#1376) approximately \$1,050 to each party.
- H. The sum of \$1,351.68 against the balance owed on the Wells Fargo credit card (#6536).
- I. The sum of \$7,460.40 against the balance owed on the AT&T MasterCard (#7586).

IT IS FURTHER ORDERED that Mother shall be responsible for, indemnify and hold Father harmless from the following debts and financial obligations:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

- A. Unless otherwise provided herein, any financial obligations associated with or arising from any property awarded to Mother herein.
- B. Any debts or financial obligations incurred by Mother after the date of service of process.
- C. Best Buy (#4319).
- D. Wells Fargo (#5426).
- E. One-half of the Bank of America line of credit (approximately \$2,600 to each party).
- F. One-half of the Sear's MasterCard (#1376) approximately \$1,050 to each party.
- G. The remaining balance owed on the AT&T MasterCard after Father pays his assigned share.
- H. The remaining balance owed on the Wells Fargo credit card (#6536) after Father pays his assigned share.

SPOUSAL MAINTENANCE

Neither party is entitled to an award of spousal maintenance.

ATTORNEY FEES

Each party shall bear his or her attorney fees and costs incurred in these proceedings.

REIMBURSEMENT CLAIMS

Mother is seeking reimbursement for portions of certain expenses, which include Sprint, Alltel, health insurance premiums, Cox, American Home Shield, City of Chandler and other expenses. As part of the equitable division and resolution of claims, reimbursement is due from Father to Mother in the total sum of \$4,131.73.

Judgment is entered for Mother and against Father in the sum of \$4,131.73. Interest shall accrue at 10% per annum, commencing July 1, 2008 until paid in full.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/30/2008

INCOME TAXES

It appears that no tax returns were filed by the parties for tax years 2002 through 2006. The obligations arising therefrom would presumptively be community in nature. There has not been sufficient evidence to rebut that presumption.

Therefore, the parties are instructed to file joint state and federal income tax returns for tax years 2002 through 2006. Both shall cooperate fully with their agreed upon tax preparer and each shall be responsible for one-half of the fees. For any liability (taxes, penalties, interest), it shall be paid one-half by each party. Any refunds shall be divided equally.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 30th day of June, 2008

/S/ HONORABLE BRUCE R. COHEN

BRUCE R. COHEN
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.